

By: Moulford

3/5

S.J.R. No. 27

SENATE

A JOINT RESOLUTION

1 proposing a constitutional amendment to abolish the office of
2 county treasurer in Andrews County.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article XVI, Section 44, of the Texas
5 Constitution is amended to read as follows:

6 "Sec^{tion} 44. (a) Except as provided by Subsections
7 [~~Subsection~~] (b) and (c) [~~Subsection-(b)(1)~~] of this section, the
8 Legislature shall prescribe the duties and provide for the election
9 by the qualified voters of each county in this State, of a County
10 Treasurer and a County Surveyor, who shall have an office at the
11 county seat, and hold their office for four years, and until their
12 successors are qualified; and shall have such compensation as may
13 be provided by law.

14 "(b) The office of County Treasurer in the counties of
15 Tarrant and Bee is abolished and all the powers, duties, and
16 functions of the office in each of these counties are transferred
17 to the County Auditor or to the officer who succeeds to the
18 auditor's functions. The

19 "[~~(b)(1)~~--The] office of County Treasurer in the counties of
20 Bexar and Collin are abolished and all the powers, duties, and
21 functions of the office in each of these counties are transferred
22 to the County Clerk. However,

23 "[~~(e)~~--Provided--however,--that] the office of County Treasurer
24 shall be abolished in the [~~above~~] counties covered by this

S. J. R. No. 27

1 subsection only after a local election has been held in each county
2 and the proposition "to abolish the elective office of county
3 treasurer" has passed by a majority of those persons voting in said
4 election.

5 " (c) The office of County Treasurer in Andrews County is
6 abolished and all the powers, duties, and functions of that office
7 are transferred to the County Auditor of that county or to the
8 officer who succeeds to the auditor's functions.

9 SECTION 2. This proposed amendment shall be submitted to the
10 voters at an election to be held on November 5, 1985. The ballot
11 shall be printed to provide for voting for or against the
12 proposition: "The constitutional amendment to abolish the office
13 of county treasurer of Andrews County."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 20, 1985

Honorable John A. Traeger, Chairman
Committee on Intergovernmental Relations
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 27
By: Montford

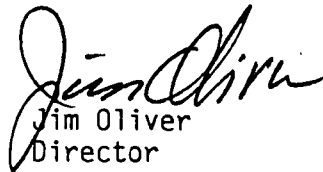
Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 27 (proposing a constitutional amendment to abolish the office of county treasurer in Andrews County) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds.

The cost of publication of the resolution to the State is \$48,100.

Because the resolution would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal impact on units of local government.


Jim Oliver
Director

Source: Secretary of State; Comptroller of Public Accounts;
LBB Staff: JO, JH, AL, DS

Art. 16, § 40

Note 22

22. Forfeiture of office

Home rule city charter provision for forfeiture of office of city councilman by becoming candidate for nomination or election to any other public office did not violate federal constitutional provision or First or Fourteenth Amendments, or state constitutional provisions regarding equal rights, due process, right of assembly, or holding more than one office. *Willis v. City of Fort Worth* (Sup.1964) 380 S.W.2d 814.

Elected county commissioner automatically resigned as commissioner when he made application to have his name placed on ballot as candidate for trustee of school district while more than a year remained of his

unexpired term as county commissioner; thus, vacancy in office existed and appointee was properly appointed to fill the vacancy. *Ramirez v. Flores* (Civ.App.1973) 505 S.W.2d 406, ref. n.r.e.

23. Teachers

Certain public school teachers who work under particular federally funded programs receive at least part of their compensation from state funds; therefore, this section permits such teachers to serve as members of a city council only if they receive no salary for service on the city council. *Op. Atty.Gen.*1984, No. JM-118.

§ 41. Bribery and acceptance of bribes

Law Review Commentaries

Conduct of judges: Judicial ethics. 42 *Texas Bar J.* 211 (1979).

Proposed public ethics legislation. 50 *Texas L.Rev.* 931 (1972).

Notes of Decisions

Validity 1/2

1/2. Validity

Vernon's Ann.P.C. art. 159 (repealed), relating to bribery of an officer, and its constitutional source (this section) prohibiting bribery of officials, were not void for vagueness where they clearly furnished adequate warning to anyone of ordinary intelligence that the kind of conduct embarked on by defendants would constitute an offense. *Mutscher v. State* (Cr.App.1974) 514 S.W.2d 905.

1. Bribery of official

It is a violation of this section for an officer of the state to solicit or consent to

accept a bribe. *Cox v. State* (1958) 166 Cr.R. 587, 316 S.W.2d 891.

Vernon's Ann.P.C. art. 159 (repealed), relating to bribery of an officer, is authorized by constitutional article prohibiting bribery of officials (this section) and is not in conflict with constitutional article providing for freedom in debate (Art. 3, § 21). *Mutscher v. State* (Cr.App.1974) 514 S.W.2d 905.

The requirement of Vernon's Ann.Civ.St. art. 6252-9c, the Lobby Control Act, that periodic statements be filed of expenditures made to directly communicate with members of the legislative and executive branches to influence legislation, is not rendered unconstitutional by virtue of the fact that such expenditures could constitute bribery if coupled with the intent to influence the public servant in a specific exercise of his official duties by the conferral of a "benefit" as that term is defined in V.T.C.A. Penal Code, § 1.07(a)(6). *Op. Atty.Gen.*1974, No. H-265.

§ 42. Repealed by Acts 1969, 61st Leg., p. 3230, H.J.R. No. 3

Repeal of this section was proposed by H.J.R. No. 3, Acts 1969, 61st Leg., p. 3230, and was approved by voters at election held Aug. 5, 1969.

§ 44. County treasurer and county surveyor

Sec. 44. (a) Except as provided by Subsection (b) and Subsection (b)(1) of this section, the Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law.

(b) The office of County Treasurer in the counties of Tarrant and Bee is abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Auditor or to the officer who succeeds to the auditor's functions.

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CONSTITUTION

CONSTITUTION

(b)(1) The abolished a counties ar

(c) Provi the above (the proposi a majority

Amended Ne

Amendme posed by H. 67th Leg., p.

Amendme posed by S.J. Leg., p. 6690

1. County t Acts 1979. which abolis.

§§ 45, 46.

Repeal of t H.J.R. No. 3.

§ 49. Prot

1. Exempti V.T.C.A. with the ter sons reached section from. Vernon's Ar partnerships fy—a claima Op. Atty.Gen.

3. Tools an fession Nets of de of Vernon's / prohibiting t: use of net ex

§ 50. Hon lie

Sec. 50. is hereby pi purchase n thereon, or and in this writing, wit given in the homestead: stead, if ma spouse, give

CONSTITUTION

as county commissioner; office existed and appointed to fill the vacancy (Civ.App.1973) 503 n.e.

school teachers who work federally funded programs; therefore, this section requires to serve as members only if they receive no on the city council. Op. JM-118.

Cox v. State (1968) 166 2d 891.

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No. 3

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CONSTITUTION

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(c) Provided however, that the office of County Treasurer shall be abolished in the above counties only after a local election has been held in each county and the proposition "to abolish the elective office of county treasurer" has passed by a majority of those persons voting in said election.

Amended Nov. 2, 1982; Nov. 6, 1984, eff. Jan. 1, 1985.

Amendment adopted in 1982 was pro- posed by H.J.R. No. 119, § 1, Acts 1981, 67th Leg., p. 4225.

Amendment adopted in 1984 was pro- posed by S.J.R. No. 20, § 1, Acts 1983, 68th Leg., p. 6690.

Notes of Decisions

1. County treasurer

Acts 1979, 66th Leg., p. 251, ch. 130, which abolished office of county treasurer

§§ 45, 46. Repealed by Acts 1969, 61st Leg., p. 3230, H.J.R. No. 3

Repeal of these sections was proposed by H.J.R. No. 3, Acts 1969, 61st Leg., p. 3230,

in certain county, was unconstitutional, in view of absence of any constitutional author- ization for abolishing a constitutional coun- ty office. Moncrief v. Gurley (Civ.App. 1980) 609 S.W.2d 863, ref. n.e.

Article 3, § 64, does not authorize legisla- ture to abolish constitutional office of coun- ty treasurer. Op.Atty.Gen.1979, No. MW- 59.

and was approved by voters at election held Aug. 5, 1969.

§ 49. Protection of personal property from forced sale

Notes of Decisions

1. Exemptions in general

V.T.C.A. Tax Code, § 11.161, reaches, with the term "individual," the same per- sons reached by the exemption under this section from forced sale provisions, and Vernon's Ann.Civ.St. art. 3836; neither partnerships nor corporations can quali- fy—a claimant must be a natural person. Op.Atty.Gen. 1982, No. MW-451.

3. Tools and apparatus of trade or pro- fession

Nets of defendant, who was in violation of Vernon's Ann.P.C. art. 952I-12 (repealed) prohibiting taking fish in certain waters by use of net exceeding 20 feet in length, were

not exempt from seizure under theory that nets were tools of his trade under this sec- tion or Vernon's Ann.Civ.St. art. 3832 (re- pealed). Morgan v. State (Cr.App.1971) 470 S.W.2d 877.

5. Vehicles

Provision of this section empowering Leg- islature to exempt property from forced sale and Vernon's Ann.Civ.St. art. 3832 (re- pealed) exempting certain personal prop- erty, including automobiles, from forced sale for payment of debts do not pertain to taxation and do not exempt an automobile from taxation or from sale for nonpayment of tax. Stephens v. City of Aransas Pass (Civ.App.1963) 364 S.W.2d 733.

§ 50. Homestead; protection from forced sale; mortgages, trust deeds and liens

Sec. 50. The homestead of a family, or of a single adult person, shall be, and is hereby protected from forced sale, for the payment of all debts except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of both spouses, in the case of a family homestead, given in the same manner as is required in making a sale and conveyance of the homestead; nor may the owner or claimant of the property claimed as home- stead, if married, sell or abandon the homestead without the consent of the other spouse, given in such manner as may be prescribed by law. No mortgage, trust

Art. 16, § 50

CONSTITUTION

On appeal from order granting temporary injunction restraining city from condemning or taking possession of property of owner, Court of Civil Appeals had duty to first determine question of jurisdiction over the controversy even though no pleadings challenging jurisdiction of trial court had been filed and matter had not been raised directly by parties. *Id.*

County court could have acquired jurisdiction of condemnation proceeding only by filing of petition for condemnation and service of notice to landowner in accordance with Vernon's Ann.Civ.St. art. 3264. *Id.*

County court had jurisdiction to entertain direct action in nature of a bill of review brought by State as condemnor to reform on ground of mutual mistake earlier ministerial judgment rendered on an award in condemnation to which there were no objections. *Rose v. State* (Sup.1973) 497 S.W.2d 14.

7. Supreme court

Where suit which could have been tried in the county court was tried to a jury in the district court and on appeal one of the justices of the Court of Civil Appeals filed a dissenting opinion, the Supreme Court had jurisdiction of the case. *Continental Cas. Co. v. Street* (Sup.1963) 364 S.W.2d 184, on mand 367 S.W.2d 894, reversed on other grounds 379 S.W.2d 648.

Declaratory judgments

Petition must show that cause of action is within jurisdiction of court, before court may enter decree affecting rights of parties under Uniform Declaratory Judgment Act. *Vernon's Ann.Civ.St. art. 2524-1*. *Wilson* (Civ.App.1964) 378 S.W.2d 156.

probate jurisdiction; assignment

General law, may provide a system for jurisdiction to hold court in any county in accordance with probate jurisdiction or for a

juries

In general

Acts 1971, 62nd Leg., p. 3060, (H.B. No. 6) ch. 1019, classified as Vernon's Ann. St. art. 1970-349A, does not contravene

CONSTITUTION

this section or sections 8, 13 of this article. *Op.Atty.Gen.1971, No. M-907.*

3. Information and complaint

Judge of district court in which an indictment is returned charging a misdemeanor offense over which such court has no jurisdiction has the duty of deciding the court or courts having jurisdiction of the offense charged, and judge alone has duty of deciding to what court he will transfer the cause. *Hullum v. State* (Cr.App.1967) 415 S.W.2d 192.

Insertion by interlineation, without judge's knowledge, of "No. 2" following "County Court at Law" in transfer order previously signed by district judge was unauthorized rendering void order transferring cause to County Court at Law No. 2 of Travis County. *Id.*

Unauthorized alteration of order transferring cause from district court to an inferior court having jurisdiction to try it, made in contravention of statute, was one of substance and constituted error that could be raised for first time after verdict on motion for new trial. *Id.*

Concurrent jurisdiction for the same misdemeanor offense charged in an indictment may be in a county court, one of several county courts at law, a justice court, or a corporation court. *Id.*

§ 18. Division of counties into precincts; election of constable and justice of the peace; county commissioners and county commissioners court

Sec. 18. (a) Each county in the State with a population of 30,000 or more, according to the most recent federal census, from time to time, for the convenience of the people, shall be divided into not less than four and not more than eight precincts. Each county in the State with a population of 18,000 or more but less than 30,000, according to the most recent federal census, from time to time, for the convenience of the people, shall be divided into not less than two and not more than five precincts. Each county in the State with a population of less than 18,000, according to the most recent federal census, from time to time, for the convenience of the people, shall be designated as a single precinct or, if the Commissioners Court determines that the county needs more than one precinct, shall be divided into not more than four precincts. The division or designation shall be made by the Commissioners Court provided for by this Constitution. In each such precinct there shall be elected one Justice of the Peace and one Constable, each of whom shall hold his office for four years and until his successor shall be elected and qualified; provided that in any precinct in which there may be a city of 18,000 or more inhabitants, there shall be elected two Justices of the Peace.

(b) Each county shall, in the manner provided for justice of the peace and constable precincts, be divided into four commissioners precincts in each of which there shall be elected by the qualified voters thereof one County Commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The County Commissioners so chosen, with the County Judge as presiding officer, shall compose the County Commissioners Court, which shall

Art. 5, § 18

Under this section, misdemeanor information, unlike felony information, must be supported by valid complaint. *Ex parte Eldridge* (Cr.App.1978) 572 S.W.2d 716.

6. Transfer of indictments by district court

Fundamentally defective indictments, which alleged that defendant knowingly and intentionally delivered marihuana on two different dates, but which failed to allege quantity of marihuana delivered or whether delivery was for remuneration, failed to allege a felony offense but instead alleged offenses punishable as class B misdemeanors, and, consequently, defendant's convictions for delivery of marihuana would be reversed and causes remanded to trial court for transfer to court having jurisdiction of misdemeanor offense of delivery of marihuana under this section and Vernon's Ann.C.C.P. art. 21.26. *Harris v. State* (Cr.App.1978) 565 S.W.2d 66.

12. Waiver

In prosecution for driving while intoxicated, defendant's going to trial with a jury of five without making any objection known to trial court constituted a waiver of his constitutional and statutory rights to jury trial under both state and federal law. *Buck v. State* (Cr.App.1980) 599 S.W.2d 810.

By: Montford

S.J.R. No. 27

(In the Senate - Filed March 5, 1985; March 6, 1985, read first time and referred to Committee on Intergovernmental Relations; April 10, 1985, reported favorably; April 10, 1985, sent to printer.)

SENATE JOINT RESOLUTION

proposing a constitutional amendment to abolish the office of county treasurer in Andrews County.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article XVI, Section 44, of the Texas Constitution is amended to read as follows:

"Section 44. (a) Except as provided by Subsections [~~Subsection~~] (b) and (c) [~~Subsection-(b)-(1)~~] of this section, the Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law.

"(b) The office of County Treasurer in the counties of Tarrant and Bee is abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Auditor or to the officer who succeeds to the auditor's functions. The

"[~~(b)-(1)~~]-~~The~~ office of County Treasurer in the counties of Bexar and Collin are abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Clerk. However,

"[~~(c)~~]-~~Provided-however, that~~ the office of County Treasurer shall be abolished in the [~~above~~] counties covered by this subsection only after a local election has been held in each county and the proposition 'to abolish the elective office of county treasurer' has passed by a majority of those persons voting in said election.

"(c) The office of County Treasurer in Andrews County is abolished and all the powers, duties, and functions of that office are transferred to the County Auditor of that county or to the officer who succeeds to the auditor's functions."

SECTION 2. This proposed amendment shall be submitted to the voters at an election to be held on November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to abolish the office of county treasurer of Andrews County."

* * * * *

Austin, Texas
April 10, 1985

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Intergovernmental Relations to which was referred S.J.R. No. 27, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Traeger, Chairman

ANALYSIS

S. J. R. 27

By: Montford

PURPOSE: Proposes a constitutional amendment to abolish the office of county treasurer in Andrews County.

SECTION 1

Amends Article XVI, Section 44, of the Texas Constitution by adding the provision that the office of County Treasurer in Andrews County is abolished and all the powers, duties and functions of that office are transferred to the County Auditor of that county, or to the officer who succeeds to the auditor's functions.

SECTION 2

Directs that this proposed amendment be submitted to the voters at an election to be held on November 5, 1985, and that the ballot be printed to provide for voting for or against the proposition: "The constitutional amendment to abolish the office of county treasurer of Andrews County."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 20, 1985

Honorable John A. Traeger, Chairman
Committee on Intergovernmental Relations
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 27
By: Montford

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 27 (proposing a constitutional amendment to abolish the office of county treasurer in Andrews County) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds.

The cost of publication of the resolution to the State is \$48,100.

Because the resolution would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal impact on units of local government.


Jim Oliver
Director

Source: Secretary of State; Comptroller of Public Accounts;
LBB Staff: JO, JH, AL, DS

AMENDMENT NO. 1

BY Traeger

Amend S.J.R. 27 by striking all below the resolving clause and substituting the following:

SECTION 1. Article XVI, Section 44, of the Texas Constitution is amended to read as follows:

"Sec. 44. (a) Except as otherwise provided by [Subsection ~~(b)~~ and ~~Subsection (b)(1)~~ of] this section, the Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law.

"(b) The office of County Treasurer in the counties of Tarrant and Bee is abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Auditor or to the officer who succeeds to the auditor's functions. The

"[(b)(1) The] office of County Treasurer in the counties of Bexar and Collin are abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Clerk. However,

"[~~(c)~~ Provided however, that] the office of County Treasurer shall be abolished in the [above] counties covered by this ¹/₂ subsection only after a local election has been held in each county

ADOPTED

*replaced
by conference
report*

Betty King
Secretary of the Senate

Hon. Am. #10
5/6/85

1 and the proposition ¹to abolish the elective office of county
2 treasurer¹ has passed by a majority of those persons voting in said
3 election.

4 "(c) The office of County Treasurer in Andrews County is
5 abolished and all the powers, duties, and functions of that office
6 are transferred to the County Auditor of that county¹ or to the
7 officer who succeeds to the auditor's functions.

8 "(d) The office of County Treasurer in El Paso County is
9 abolished. The Commissioners Court of the county may employ or
10 contract with a qualified person or may designate another county
11 officer to perform any of the functions that would have been
12 performed by the County Treasurer if the office had not been
13 abolished. However, the office of County Treasurer in El Paso
14 County is abolished under this subsection only if, at the statewide
15 election at which this amendment is submitted to the voters, a
16 majority of the voters of El Paso County voting on the question at
17 that election favor the amendment.

18 "(e) The office of County Surveyor in Denton County and in
19 Randall County is abolished upon the approval of the abolition by a
20 majority of the qualified voters of the respective county voting on
21 the question at an election that the Commissioners Court of the
22 county may call. If the election is called, the Commissioners
23 Court shall order the ballot at the election to be printed to
24 provide for voting for or against the proposition: ¹Abolishing the
25 office of county surveyor." Each qualified voter of the county is ^{2/3}
26 entitled to vote in the election. If the office of County Surveyor
27 is abolished under this subsection, the maps, field notes, and

1 other records in the custody of the County Surveyor are transferred
2 to the County Clerk of the county. After abolition, the
3 Commissioners Court may employ or contract with a qualified person
4 to perform any of the functions that would have been performed by
5 the County Surveyor if the office had not been abolished.

6 ¹(f) The office of County Treasurer in Andrews County is
7 abolished under Subsection (c) of this section on the adoption of
8 the constitutional amendment that added that subsection and that
9 was proposed by Senate Joint Resolution 17 of the 69th Legislature,
10 Regular Session, 1985. The office of County Treasurer in El Paso
11 County is abolished under Subsection (d) of this section on January
12 1, 1986, if the conditions of that subsection are met. If that
13 office in El Paso County is not abolished, Subsection (d) of this
14 section expires January 1, 1986. This subsection expires January
15 2, 1986. //

16 SECTION 2. Article V, Section 18, of the Texas Constitution
17 is amended by amending Subsection (a) and by adding Subsection (e)
18 to read as follows:

19 ¹(a) Each county in the State with a population of 30,000 or
20 more, according to the most recent federal census, from time to
21 time, for the convenience of the people, shall be divided into not
22 less than four and not more than eight precincts. Each county in
23 the State with a population of 18,000 or more but less than 30,000,
24 according to the most recent federal census, from time to time, for ³/₄
25 the convenience of the people, shall be divided into not less than
26 two and not more than five precincts. Each county in the State
27 with a population of less than 18,000, according to the most recent

1 federal census, from time to time, for the convenience of the
2 people, shall be designated as a single precinct or, if the
3 Commissioners Court determines that the county needs more than one
4 precinct, shall be divided into not more than four precincts. The
5 division or designation shall be made by the Commissioners Court
6 provided for by this Constitution. In each such precinct there
7 shall be elected one Justice of the Peace and, except as provided
8 by Subsection (e) of this Article, one Constable, each of whom
9 shall hold his office for four years and until his successor shall
10 be elected and qualified; provided that in any precinct in which
11 there may be a city of 18,000 or more inhabitants, there shall be
12 elected two Justices of the Peace."

13 " (e) Each office of Constable in Randall County is abolished
14 upon the approval of the abolition by a majority of the qualified
15 voters of the county voting on the question at an election that the
16 Commissioners Court of the county may call. If the election is
17 called, the Commissioners Court shall order the ballot at the
18 election to be printed to provide for voting for or against the
19 proposition: "Abolishing the office of constable in the county."
20 Each qualified voter of the county is entitled to vote in the
21 election. If the office of Constable is abolished under this
22 subsection, the records in the custody of the Constable are
23 transferred to the Sheriff of the county. "

24 SECTION 3. This proposed amendment shall be submitted to the
25 voters at an election to be held on November 5, 1985. The ballot
26 shall be printed to provide for voting for or against the
27 proposition: "The constitutional amendment to provide for:

1 \"(1) the abolition of the office of county treasurer in
2 Andrews County and El Paso County;
3 \"(2) the abolition of the office of county surveyor in Denton
4 County and Randall County; and
5 \"(3) the abolition of the office of constable in Randall
6 County."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 10, 1985

Honorable Gary Thompson, Chair
Committee on County Affairs
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution No. 27,
as engrossed
By: Montford

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 27, as engrossed (proposing a constitutional amendment to abolish the office of county treasurer in Andrews County) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds.

The cost of publication of the resolution to the State is \$48,100.

Because the resolution would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal impact on units of local government.


Jim Oliver
Director

Source: Secretary of State; Comptroller of Public Accounts;
LBB Staff: JO, JH, AL, BL

4

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 20, 1985

Honorable John A. Traeger, Chairman
Committee on Intergovernmental Relations
Senate Chamber
Austin, Texas

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Source: Secretary of State; Comptroller of Public Accounts;
LBB Staff: JO, JH, AL, DS

May 19 1885 Engrossed
Patsy Spaw
Engrossing Clerk

I certify that the attached is a true and correct
copy of SSR 27, which was
received from the Senate on MAY 6 1885 and
referred to the Committee on County Aff.
Betty Murray
Chief Clerk of the House

By: Montford

S.J.R. No. 27

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment to abolish the office of
3 county treasurer in Andrews County.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article XVI, Section 44, of the Texas
6 Constitution is amended to read as follows:

7 "Section 44. (a) Except as otherwise provided by
8 [~~Subsection--(b)--and--Subsection--(b)(1)--of~~] this section, the
9 Legislature shall prescribe the duties and provide for the election
10 by the qualified voters of each county in this State, of a County
11 Treasurer and a County Surveyor, who shall have an office at the
12 county seat, and hold their office for four years, and until their
13 successors are qualified; and shall have such compensation as may
14 be provided by law.

15 "(b) The office of County Treasurer in the counties of
16 Tarrant and Bee is abolished and all the powers, duties, and
17 functions of the office in each of these counties are transferred
18 to the County Auditor or to the officer who succeeds to the
19 auditor's functions. The

20 "[~~(b)(1)--The~~] office of County Treasurer in the counties of
21 Bexar and Collin are abolished and all the powers, duties, and
22 functions of the office in each of these counties are transferred
23 to the County Clerk. However,

24 "[~~(e)--Provided-however--that~~] the office of County Treasurer
25 shall be abolished in the [~~above~~] counties covered by this

1 subsection only after a local election has been held in each county
2 and the proposition 'to abolish the elective office of county
3 treasurer' has passed by a majority of those persons voting in said
4 election.

5 "(c) The office of County Treasurer in Andrews County is
6 abolished and all the powers, duties, and functions of that office
7 are transferred to the County Auditor of that county or to the
8 officer who succeeds to the auditor's functions.

9 "(d) The office of County Treasurer in El Paso County is
10 abolished. The Commissioners Court of the county may employ or
11 contract with a qualified person or may designate another county
12 officer to perform any of the functions that would have been
13 performed by the County Treasurer if the office had not been
14 abolished. However, the office of County Treasurer in El Paso
15 County is abolished under this subsection only if, at the statewide
16 election at which this amendment is submitted to the voters, a
17 majority of the voters of El Paso County voting on the question at
18 that election favor the amendment.

19 "(e) The office of County Surveyor in Denton County and in
20 Randall County is abolished upon the approval of the abolition by a
21 majority of the qualified voters of the respective county voting on
22 the question at an election that the Commissioners Court of the
23 county may call. If the election is called, the Commissioners
24 Court shall order the ballot at the election to be printed to
25 provide for voting for or against the proposition: 'Abolishing the
26 office of county surveyor.' Each qualified voter of the county is

entitled to vote in the election. If the office of County Surveyor is abolished under this subsection, the maps, field notes, and other records in the custody of the County Surveyor are transferred to the County Clerk of the county. After abolition, the Commissioners Court may employ or contract with a qualified person to perform any of the functions that would have been performed by the County Surveyor if the office had not been abolished.

"(f) The office of County Treasurer in Andrews County is abolished under Subsection (c) of this section on the adoption of the constitutional amendment that added that subsection and that was proposed by Senate Joint Resolution 17 of the 69th Legislature, Regular Session, 1985. The office of County Treasurer in El Paso County is abolished under Subsection (d) of this section on January 1, 1986, if the conditions of that subsection are met. If that office in El Paso County is not abolished, Subsection (d) of this section expires January 1, 1986. This subsection expires January 2, 1986."

SECTION 2. Article V, Section 18, of the Texas Constitution is amended by amending Subsection (a) and by adding Subsection (e) to read as follows:

"(a) Each county in the State with a population of 30,000 or more, according to the most recent federal census, from time to time, for the convenience of the people, shall be divided into not less than four and not more than eight precincts. Each county in the State with a population of 18,000 or more but less than 30,000, according to the most recent federal census, from time to time, for

1 the convenience of the people, shall be divided into not less than
2 two and not more than five precincts. Each county in the State
3 with a population of less than 18,000, according to the most recent
4 federal census, from time to time, for the convenience of the
5 people, shall be designated as a single precinct or, if the
6 Commissioners Court determines that the county needs more than one
7 precinct, shall be divided into not more than four precincts. The
8 division or designation shall be made by the Commissioners Court
9 provided for by this Constitution. In each such precinct there
10 shall be elected one Justice of the Peace and, except as provided
11 by Subsection (e) of this Article, one Constable, each of whom
12 shall hold his office for four years and until his successor shall
13 be elected and qualified; provided that in any precinct in which
14 there may be a city of 18,000 or more inhabitants, there shall be
15 elected two Justices of the Peace."

16 "(e) Each office of Constable in Randall County is abolished
17 upon the approval of the abolition by a majority of the qualified
18 voters of the county voting on the question at an election that the
19 Commissioners Court of the county may call. If the election is
20 called, the Commissioners Court shall order the ballot at the
21 election to be printed to provide for voting for or against the
22 proposition: 'Abolishing the office of constable in the county.'
23 Each qualified voter of the county is entitled to vote in the
24 election. If the office of Constable is abolished under this
25 subsection, the records in the custody of the Constable are
26 transferred to the Sheriff of the county."

1 SECTION 3. This proposed amendment shall be submitted to the
2 voters at an election to be held on November 5, 1985. The ballot
3 shall be printed to provide for voting for or against the
4 proposition: "The constitutional amendment to provide for:

5 "(1) the abolition of the office of county treasurer in
6 Andrews County and El Paso County;

7 "(2) the abolition of the office of county surveyor in
8 Denton County and Randall County; and

9 "(3) the abolition of the office of constable in Randall
10 County."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 20, 1985

Honorable John A. Traeger, Chairman
Committee on Intergovernmental Relations
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 27
By: Montford

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 27 (proposing a constitutional amendment to abolish the office of county treasurer in Andrews County) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds.

The cost of publication of the resolution to the State is \$48,100.

Because the resolution would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal impact on units of local government.


Jim Oliver
Director

Source: Secretary of State; Comptroller of Public Accounts;
LBB Staff: JO, JH, AL, DS

5

HOUSE COMMITTEE REPORT

1st. Printing

By Montford
(Rudd)

S.J.R. No. 27

Substitute the following for S.J.R. No. 27:

By Thompson of Taylor

C.S.S.J.R. No. 27

A JOINT RESOLUTION

1 proposing a constitutional amendment to abolish the office of
2 county treasurer in Andrews County.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article XVI, Section 44, of the Texas
5 Constitution is amended to read as follows:

6 Section 44. (a) Except as otherwise provided by [~~Subsection~~
7 ~~{b}-and-Subsection-{b}{1}-of~~] this section, the Legislature shall
8 prescribe the duties and provide for the election by the qualified
9 voters of each county in this State, of a County Treasurer and a
10 County Surveyor, who shall have an office at the county seat, and
11 hold their office for four years, and until their successors are
12 qualified; and shall have such compensation as may be provided by
13 law.

14 (b) The office of County Treasurer in the counties of
15 Tarrant and Bee is abolished and all the powers, duties, and
16 functions of the office in each of these counties are transferred
17 to the County Auditor or to the officer who succeeds to the
18 auditor's functions. The

19 [~~{b}{1}--The~~] office of County Treasurer in the counties of
20 Bexar and Collin are abolished and all the powers, duties, and
21 functions of the office in each of these counties are transferred
22 to the County Clerk. However,

23 [~~{c}--Provided--however,--that~~] the office of County Treasurer
24 shall be abolished in the [~~above~~] counties covered by this

1 subsection only after a local election has been held in each county
2 and the proposition "to abolish the elective office of county
3 treasurer" has passed by a majority of those persons voting in said
4 election.

5 (c) The office of County Treasurer in Andrews County is
6 abolished and all the powers, duties, and functions of that office
7 are transferred to the County Auditor of that county or to the
8 officer who succeeds to the auditor's functions.

9 (d) The office of County Treasurer in the counties of El
10 Paso, Henderson, Hood, Nueces, and Williamson is abolished. The
11 Commissioners Court of the county may employ or contract with a
12 qualified person or may designate another county officer to perform
13 any of the functions that would have been performed by the County
14 Treasurer if the office had not been abolished. However, the
15 office of County Treasurer in the counties of El Paso, Henderson,
16 Hood, Nueces, and Williamson is abolished under this subsection
17 only if, at the statewide election at which this amendment is
18 submitted to the voters, a majority of the voters of the respective
19 counties of El Paso, Henderson, Hood, Nueces, and Williamson voting
20 on the question at that election favor the amendment.

21 (e) The office of County Surveyor in the counties of Denton,
22 Randall, Collin, Dallas, El Paso, Henderson, Hood, Nueces, and
23 Williamson is abolished upon the approval of the abolition by a
24 majority of the qualified voters of the respective county voting on
25 the question at an election that the Commissioners Court of the
26 county may call. If the election is called, the Commissioners
27 Court shall order the ballot at the election to be printed to

1 provide for voting for or against the proposition: "Abolishing the
2 office of county surveyor." Each qualified voter of the county is
3 entitled to vote in the election. If the office of County Surveyor
4 is abolished under this subsection, the maps, field notes, and
5 other records in the custody of the County Surveyor are transferred
6 to the County Clerk of the county. After abolition, the
7 Commissioners Court may employ or contract with a qualified person
8 to perform any of the functions that would have been performed by
9 the County Surveyor if the office had not been abolished.

10 (f) The office of County Treasurer in Andrews County is
11 abolished under Subsection (c) of this section on the adoption of
12 the constitutional amendment that added that subsection and that
13 was proposed by Senate Joint Resolution 27 of the 69th Legislature,
14 Regular Session, 1985. The office of County Treasurer in the
15 counties of El Paso, Henderson, Hood, Nueces, and Williamson is
16 abolished under Subsection (d) of this section on January 1, 1986,
17 if the conditions of that subsection are met. If that office in
18 the counties of El Paso, Henderson, Hood, Nueces, and Williamson is
19 not abolished, Subsection (d) of this section expires January 1,
20 1986. This subsection expires January 2, 1986.

21 SECTION 2. Article V, Section 18, of the Texas Constitution
22 is amended by amending Subsection (a) and by adding Subsection (e)
23 to read as follows:

24 (a) Each county in the State with a population of 30,000 or
25 more, according to the most recent federal census, from time to
26 time, for the convenience of the people, shall be divided into not
27 less than four and not more than eight precincts. Each county in

1 the State with a population of 18,000 or more but less than 30,000,
2 according to the most recent federal census, from time to time, for
3 the convenience of the people, shall be divided into not less than
4 two and not more than five precincts. Each county in the State
5 with a population of less than 18,000, according to the most recent
6 federal census, from time to time, for the convenience of the
7 people, shall be designated as a single precinct or, if the
8 Commissioners Court determines that the county needs more than one
9 precinct, shall be divided into not more than four precincts. The
10 division or designation shall be made by the Commissioners Court
11 provided for by this Constitution. In each such precinct there
12 shall be elected one Justice of the Peace and, except as provided
13 by Subsection (e) of this Article, one Constable, each of whom
14 shall hold his office for four years and until his successor shall
15 be elected and qualified; provided that in any precinct in which
16 there may be a city of 18,000 or more inhabitants, there shall be
17 elected two Justices of the Peace.

18 (e) Each office of Constable in the counties of Randall,
19 Henderson, and Navarro is abolished upon the approval of the
20 abolition by a majority of the qualified voters of the county
21 voting on the question at an election that the Commissioners Court
22 of the county may call. If the election is called, the
23 Commissioners Court shall order the ballot at the election to be
24 printed to provide for voting for or against the proposition:
25 "Abolishing the office of constable in the county." Each qualified
26 voter of the county is entitled to vote in the election. If the
27 office of Constable is abolished under this subsection, the records

1 in the custody of the Constable are transferred to the Sheriff of
2 the county.

3 SECTION 3. This proposed amendment shall be submitted to the
4 voters at an election to be held on November 5, 1985. The ballot
5 shall be printed to provide for voting for or against the
6 proposition: "The constitutional amendment to provide for:

7 (1) the abolition of the office of county treasurer in the
8 counties of Andrews, El Paso, Henderson, Hood, Nueces, and
9 Williamson;

10 (2) the abolition of the office of county surveyor in the
11 counties of Collin, Dallas, Denton, El Paso, Henderson, Hood,
12 Nueces, Randall, and Williamson; and

13 (3) the abolition of the office of constable in the counties
14 of Henderson, Navarro, and Randall."

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

5/15/85
(date)

Sir:

We, your COMMITTEE ON COUNTY AFFAIRS, to whom was referred S.G.R. 27 have had the same under consideration and beg to report back with the recommendation that it (measure)

- () do pass, without amendment.
- () do pass, with amendment(s).
- (X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no An actuarial analysis was requested. () yes (X) no

An author's fiscal statement was requested. () yes (X) no

The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar

This measure () proposes new law. () amends existing law. propose a constitutional amendment

House Sponsor of Senate Measure RUDD

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Thompson, G. of Abilene, Ch.	✓			
Buchanan, V.C.				✓
Whaley, C.B.O.				✓
Campbell	✓			
Earley		✓		
Eckels				✓
Johnson, S.	✓			
Jones	✓			
Lewis, R.	✓			
Patterson		✓		
Robinson	✓			
Williamson	✓			
Willy		✓		

Total 7 aye
3 nay
0 present, not voting
3 absent

Ray Henry
CHAIRMAN
Laura Culp
COMMITTEE COORDINATOR

BILL ANALYSIS

COMMITTEE ON COUNTY AFFAIRS

C.S.S.J.R. 27

BY: Montford/Thompson

Background Information:

The powers and duties of the offices of County Treasurer, County Surveyor, and Constable are prescribed in the Texas Constitution. In some counties, the office of County Surveyor and Constable has remained vacant for many years. Additionally, in some counties, these positions and that of the County Treasurer have been found to be unnecessary and can be or are being performed by other existing personnel. Constitutional amendments allowing for the abolition of the office of County Treasurer in Collin and Bexar Counties passed favorably in the 1983 November general election.

Purpose:

This resolution proposes a constitutional amendment to abolish the office of County Treasurer in the counties of Andrews, El Paso, Henderson, Hood, Nueces, and Williamson; to abolish the office of County Surveyor in the counties of Collin, Dallas, Denton, El Paso, Henderson, Hood, Nueces, Randall, and Williamson; and to abolish the office of Constable in Henderson, Navarro, and Randall counties.

Section by Section Analysis:

Section 1. Amends Article XVI, Section 44, of the Texas Constitution. (c) The office of County Treasurer in Andrews County is abolished, and the powers, duties, and function of that office are transferred to the County Auditor of that county or to the officer who succeeds to the auditor's functions. (d) The office of County Treasurer in the counties of El Paso, Henderson, Hood, Nueces, and Williamson is abolished, and the commissioners court may employ or contract with a qualified person or may designate another county officer to perform the duties. The office is abolished only if, at the statewide election at which this amendment is submitted to the voters, the majority of the voters in the respective counties of El Paso, Henderson, Hood, Nueces, and Williamson voting on the question at that election favor the amendment. (e) The office of County Surveyor in the counties of Denton, Randall, Collin, Dallas, El Paso, Henderson, Hood, Nueces, and Williamson is abolished pursuant to an election called by the Commissioners Court on that issue. If the office of County Surveyor is abolished, the maps, field notes, and other records are transferred to the County Clerk. After abolition, the Commissioners Court may employ or contract with qualified persons to perform the functions of the county surveyor. (f) The office of County Treasurer in Andrews County is abolished upon the adoption of the constitutional amendment. The office of County Treasurer in the counties of El Paso, Henderson, Hood, Nueces, and Williamson is abolished on January 1, 1986, provided that the conditions in subsection (d) are met. If that office is not abolished, this subsection expires January 2, 1986.

Section 2. Amends Article V, Section 18, of the Texas Constitution. (e). Proposes a constitutional amendment to allow the Commissioners Court of Randall, Henderson, and Navarro counties to call an election to allow the qualified voters of the county to vote on the proposition of abolishing the office of Constable in that county.

Section 3. This proposed amendment shall be submitted to the voters at an election to be held on November 5, 1985. Specifies how the ballot is to be printed.

Rulemaking:

It is the committee's opinion that this bill does not delegate rulemaking authority to a state officer, agency, department, or institution.

C.S.S.J.R. 27
By: Montford
Page 2

Summary of Committee Action:

In accordance with the Rules of Procedure of the House of Representatives, the Committee on County Affairs convened in a formal meeting on May 15, 1985.

On May 15, 1985, the Chairman laid out S.J.R. 27 by Montford and C.S.S.J.R. 27 by Thompson. The committee voted to report C.S.S.J.R. 27 to the House with the recommendation that it do pass by a record vote of 7 ayes, 3 nays, 0 PNV, and 3 absent.

Comparison of Original Bill to Substitute:

The substitute S.J.R. added the counties of Henderson, Hood, Nueces, and Williamson to the counties of El Paso and Andrews from the original S.J.R. 27 to the proposed constitutional amendment to abolish the office of County Treasurer. To the proposed constitutional amendment to abolish the office of County Surveyor, the committee substitute to S.J.R. 27 added the counties of Collin, Dallas, El Paso, Henderson, Hood, Nueces, and Williamson to those in the original S.J.R. 27 of Denton and Randall counties. To the proposed constitutional amendment to abolish the office of Constable, the committee substitute to S.J.R. 27 added the counties of Henderson and Navarro to the original S.J.R. 27 which included Randall County.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 10, 1985

Honorable Gary Thompson, Chair
Committee on County Affairs
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution No. 27,
as engrossed
By: Montford

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 27, as engrossed (proposing a constitutional amendment to abolish the office of county treasurer in Andrews County) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds.

The cost of publication of the resolution to the State is \$48,100.

Because the resolution would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal impact on units of local government.


Jim Oliver
Director

Source: Secretary of State; Comptroller of Public Accounts;
LBB Staff: JO, JH, AL, BL

4

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 20, 1985

Honorable John A. Traeger, Chairman
Committee on Intergovernmental Relations
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 27
By: Montford

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 27 (proposing a constitutional amendment to abolish the office of county treasurer in Andrews County) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds.

The cost of publication of the resolution to the State is \$48,100.

Because the resolution would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal impact on units of local government.


Jim Oliver
Director

Source: Secretary of State; Comptroller of Public Accounts;
LBB Staff: JO, JH, AL, DS

5

ADOPTED

MAY 22 1985

Betty Murray
Chief Clerk
House of Representatives

AMENDMENT NO. ①

BY *Salmon*

Amend C.S.S.J.R. 27 as follows:

(1) Strike "Henderson," in the following places:

(A) On page 2, lines 10, 15, and 19; and

(B) On page 3, lines 15 and 18.

(2) Strike "Henderson," on page 5, line 8.

AMENDMENT

NO.

2

BY

Keller

Amend C.S.S.J.R. 27 as follows:

- (1) Strike Section 2 of the joint resolution and renumber subsequent sections appropriately.
- (2) On page 5, line 9, after the semicolon, insert "and".
- (3) On page 5, strike the language beginning on line 12 with the semicolon and ending on line 14 with "Randall".

ADOPTED

MAY 22 1985

Betty Murray
Chief Clerk
House of Representatives

ADOPTED

as amended

MAY 22 1985

Betty Murray
Chief Clerk
House of Representatives

By: Montford

S.J.R. No. 27

Substitute the following for S.J.R. 27:

By: Gary Thompson

C.S.S.J.R. No. 27

SENATE JOINT RESOLUTION

proposing a constitutional amendment to abolish the office of county treasurer in Andrews County.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article XVI, Section 44, of the Texas Constitution is amended to read as follows:

"Section 44. (a) Except as otherwise provided by ~~[Subsection--(b)--and--Subsection--(b)(1)--of]~~ this section, the Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law.

"(b) The office of County Treasurer in the counties of Tarrant and Bee is abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Auditor or to the officer who succeeds to the auditor's functions. The

"~~[(b)(1)--The]~~ office of County Treasurer in the counties of Bexar and Collin are abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Clerk. However,

"~~[(e)--Provided-however,--that]~~ the office of County Treasurer shall be abolished in the ~~[above]~~ counties covered by this

1 subsection only after a local election has been held in each county
2 and the proposition 'to abolish the elective office of county
3 treasurer' has passed by a majority of those persons voting in said
4 election.

5 "(c) The office of County Treasurer in Andrews County is
6 abolished and all the powers, duties, and functions of that office
7 are transferred to the County Auditor of that county or to the
8 officer who succeeds to the auditor's functions.

9 "(d) The office of County Treasurer in the counties of El Paso, Henderson,
10 Hood, Nueces, and Williamson is abolished. The Commissioners Court of the
11 county may employ or contract with a qualified person or may designate another
12 county officer to perform any of the functions that would have been performed
13 by the County Treasurer if the office had not been abolished. However, the office
14 of County Treasurer in the counties of El Paso, Henderson, Hood, Nueces, and
15 Williamson is abolished under this subsection only if, at the statewide election
16 at which this amendment is submitted to the voters, a majority of the voters
17 of the respective counties of El Paso, Henderson, Hood, Nueces, and Williamson
18 voting on the question at that election favor the amendment.

19 "(e) The office of County Surveyor in the counties of Denton, Randall,
20 Collin, Dallas, El Paso, Henderson, Hood, Nueces, and Williamson is abolished
21 upon the approval of the abolition by a majority of the qualified voters of
22 the respective county voting on the question at an election that the Commissioners
23 Court of the county may call. If the election is called, the Commissioners
24 Court shall order the ballot at the election to be printed to provide for
25 voting for or against the proposition: 'Abolishing the office of county surveyor.'
26 Each qualified voter of the county is

1 entitled to vote in the election. If the office of County Surveyor
 2 is abolished under this subsection, the maps, field notes, and
 3 other records in the custody of the County Surveyor are transferred
 4 to the County Clerk of the county. After abolition, the
 5 Commissioners Court may employ or contract with a qualified person
 6 to perform any of the functions that would have been performed by
 7 the County Surveyor if the office had not been abolished.

8 "(f) The office of County Treasurer in Andrews County is
 9 abolished under Subsection (c) of this section on the adoption of
 10 the constitutional amendment that added that subsection and that
 11 was proposed by Senate Joint Resolution 27 of the 69th Legislature, Regular
 12 Session, 1985. The office of County Treasurer in the counties of El Paso,
 13 Henderson, Hood, Nueces, and Williamson is abolished under Subsection (d)
 14 of this section on January 1, 1986, if the conditions of that subsection are
 15 met. If that office in the counties of El Paso, Henderson, Hood, Nueces,
 16 and Williamson is not abolished, Subsection (d) of this section expires January 1,
 17 1986. This subsection expires January 2, 1986."

18 SECTION 2. Article V, Section 18, of the Texas Constitution
 19 is amended by amending Subsection (a) and by adding Subsection (e)
 20 to read as follows:

21 "(a) Each county in the State with a population of 30,000 or
 22 more, according to the most recent federal census, from time to
 23 time, for the convenience of the people, shall be divided into not
 24 less than four and not more than eight precincts. Each county in
 25 the State with a population of 18,000 or more but less than 30,000,
 26 according to the most recent federal census, from time to time, for

1 the convenience of the people, shall be divided into not less than
2 two and not more than five precincts. Each county in the State
3 with a population of less than 18,000, according to the most recent
4 federal census, from time to time, for the convenience of the
5 people, shall be designated as a single precinct or, if the
6 Commissioners Court determines that the county needs more than one
7 precinct, shall be divided into not more than four precincts. The
8 division or designation shall be made by the Commissioners Court
9 provided for by this Constitution. In each such precinct there
10 shall be elected one Justice of the Peace and, except as provided
11 by Subsection (e) of this Article, one Constable, each of whom
12 shall hold his office for four years and until his successor shall
13 be elected and qualified; provided that in any precinct in which
14 there may be a city of 18,000 or more inhabitants, there shall be
15 elected two Justices of the Peace."

16 "(e) Each office of Constable in the counties of Randall, Henderson, and
17 Navarro is abolished upon the approval of the abolition by a majority of the
18 qualified voters of the county voting on the question at an election that the
19 Commissioners Court of the county may call. If the election is
20 called, the Commissioners Court shall order the ballot at the
21 election to be printed to provide for voting for or against the
22 proposition: 'Abolishing the office of constable in the county.'
23 Each qualified voter of the county is entitled to vote in the
24 election. If the office of Constable is abolished under this
25 subsection, the records in the custody of the Constable are
26 transferred to the Sheriff of the county."

1 SECTION 3. This proposed amendment shall be submitted to the voters
2 at an election to be held on November 5, 1985. The ballot shall be printed
3 to provide for voting for or against the proposition: "The constitutional
4 amendment to provide for:

5 "(1) the abolition of the office of county treasurer in the counties
6 of Andrews, El Paso, Henderson, Hood, Nueces, and Williamson;

7 "(2) the abolition of the office of county surveyor in the counties
8 of Collin, Dallas, Denton, El Paso, Henderson, Hood, Nueces, Randall, and
9 Williamson; and

10 "(3) the abolition of the office of constable in the counties of
11 Henderson, Navarro, and Randall."

CONFERENCE COMMITTEE REPORT FORM

5/26/85 MAY 27 P. Austin, Texas

Date

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.J.R. 27 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Wm. Hobby
Ortega
Shirley
Bliss
Truman

On the part of the Senate

Jim A. Hall
Tom Kallen
Wesley
Tom Skilling
Sam Johnson

On the part of the House

Paper clip one of these forms to each of the following:
the original and two copies to the house of origin
three copies to the other house

MAY 27 1985 *filed*

ADOPTED
31 years - on map
MAY 27 1985

Betty King
Secretary of the Senate

CONFERENCE COMMITTEE REPORT

S.J.R. No. 27

SENATE JOINT RESOLUTION

proposing a constitutional amendment to abolish
~~county treasury in Andrews County~~ *certain counties,*

certain County
the offices of

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article XVI, Section 44, of the Texas
Constitution is amended to read as follows:

"Section 44. (a) Except as otherwise provided by
[Subsection--(b)--and--Subsection--(b)(1)--of] this section, the
Legislature shall prescribe the duties and provide for the election
by the qualified voters of each county in this State, of a County
Treasurer and a County Surveyor, who shall have an office at the
county seat, and hold their office for four years, and until their
successors are qualified; and shall have such compensation as may
be provided by law.

"(b) The office of County Treasurer in the counties of
Tarrant and Bee is abolished and all the powers, duties, and
functions of the office in each of these counties are transferred
to the County Auditor or to the officer who succeeds to the
auditor's functions. The

"[(b)(1)--The] office of County Treasurer in the counties of
Bexar and Collin are abolished and all the powers, duties, and
functions of the office in each of these counties are transferred
to the County Clerk. However,

"[(c)--Provided-however;-that] the office of County Treasurer
shall be abolished in the [above] counties covered by this

Read this
5/27/85

1 subsection only after a local election has been held in each county
2 and the proposition 'to abolish the elective office of county
3 treasurer' has passed by a majority of those persons voting in said
4 election.

5 "(c) The office of County Treasurer in Andrews County is
6 abolished and all the powers, duties, and functions of that office
7 are transferred to the County Auditor of that county or to the
8 officer who succeeds to the auditor's functions.

9 "(d) The office of County Treasurer in El Paso County is
10 abolished. The Commissioners Court of the county may employ or
11 contract with a qualified person or may designate another county
12 officer to perform any of the functions that would have been
13 performed by the County Treasurer if the office had not been
14 abolished. However, the office of County Treasurer in El Paso
15 County is abolished under this subsection only if, at the statewide
16 election at which this amendment is submitted to the voters, a
17 majority of the voters of El Paso County voting on the question at
18 that election favor the amendment.

19 "(e) The office of County Surveyor in the counties of Denton, Randall,
20 Collin, Dallas, El Paso, and Henderson _____ is abolished
21 upon the approval of the abolition by a majority of the qualified voters of
22 the respective county voting on the question at an election that the Commissioner
23 Court of the county may call. If the election is called, the Commissioners
24 Court shall order the ballot at the election to be printed to provide for
25 voting for or against the proposition: 'Abolishing the office of county surveyor
26 Each qualified voter of the county is (cont. II)

entitled to vote in the election. If the office of County Surveyor is abolished under this subsection, the maps, field notes, and other records in the custody of the County Surveyor are transferred to the County Clerk of the county. After abolition, the Commissioners Court may employ or contract with a qualified person to perform any of the functions that would have been performed by the County Surveyor if the office had not been abolished.

"(f) The office of County Treasurer in Andrews County is abolished under Subsection (c) of this section on the adoption of the constitutional amendment that added that subsection and that was proposed by Senate Joint Resolution 17 of the 69th Legislature, Regular Session, 1985. The office of County Treasurer in El Paso County is abolished under Subsection (d) of this section on January 1, 1986, if the conditions of that subsection are met. If that office in El Paso County is not abolished, Subsection (d) of this section expires January 1, 1986. This subsection expires January 2, 1986."

SECTION 2. This proposed amendment shall be submitted to the voters at an election to be held on November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide for:

"(1) the abolition of the office of county treasurer in Andrews County and El Paso County;

"(2) the abolition of the office of county surveyor in Collin, Dallas, Denton, El Paso, Henderson and Randall counties.

SIDE BY SIDE
S.J.R. 27

SENATE VERSION	HOUSE VERSION	CONFERENCE
<p>SECTION 1.</p> <p>(a) Clean up</p> <p>(b) Clean up</p> <p>(c) Abolishes County Treasurer in Andrews County</p> <p>(d) Abolishes the County Treasurer in El Paso County if at the statewide election the majority of the voters in El Paso County vote in favor of the amendment.</p> <p>(e) Abolishes County Surveyor in Denton and Randall County if a majority of the voters in the respective counties vote to do so at an election called by the Commissioners Court.</p> <p>(f) Provides for the abolition of the Andrews Co. Treasurer and El Paso Co. Treasurer on Jan. 1, 1986 if the requirements for abolition are met.</p> <p>SECTION 2.</p> <p>(e) Abolishes the Constable in Randall County (requires the Commissioners Court to call an election)</p> <p>SECTION 3.</p> <p>Provides for ballots for November 5, 1985 election.</p>	<p>SECTION 1.</p> <p>(a) Clean up</p> <p>(b) Clean up</p> <p>(c) Same</p> <p>(d) Adds the Hood, Nueces, and Williamson County Treasurers to this section (still requires a majority of voters in the respective counties to favor the amendment.)</p> <p>(e) Adds the Collin, Dallas, El Paso Henderson, Hood, Nueces, and Williamson County Surveyors. (Still requires Commissioners Court to call an election.)</p> <p>(f) Conforming amendment.</p> <p>SECTION 2.</p> <p>Same as Senate Section 3 except the portion of the ballot making reference to constables is deleted.</p> <p>SECTION 3.</p> <p>No corresponding section.</p>	<p>SECTION 1.</p> <p>(a) Same as Senate</p> <p>(b) Same as Senate</p> <p>(c) Same as Senate</p> <p>(d) Same as Senate</p> <p>(e) Abolishes the county surveyor Collin, Dallas, Denton, El Paso, Henderson and Randall Counties if a majority of the voters vote to do so at an election called by the commissioners court.</p> <p>(f) Same as Senate</p> <p>SECTION 2:</p> <p>Same as Senate Section 3.</p> <p>SECTION 3:</p> <p>No corresponding section.</p>

CONFERENCE COMMITTEE REPORT FORM

1985 MAY 27
5/26/85

Austin, Texas

Date

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.J.R. 27 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Wm. Hobby
Oranger
Shirley
Shirley
Truman

On the part of the Senate

Jim & Bob
Tom Keller
Bruce Jones
Tom Sherry
Sam Johnson

On the part of the House

Paper clip one of these forms to each of the following:
the original and two copies to the house of origin
three copies to the other house

ADOPTED

MAY 27 1985

by record vote
Betty Murray 139 yeas 5 nays
Chief Clerk 1 PNV
House of Representatives

CONFERENCE COMMITTEE REPORT

3rd Printing

S.J.R. No. 27

SENATE JOINT RESOLUTION

proposing a constitutional amendment to abolish the office of county treasurer in Andrews County.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article XVI, Section 44, of the Texas Constitution is amended to read as follows:

"Section 44. (a) Except as otherwise provided by ~~[Subsection--(b)--and--Subsection--(b)(1)--of]~~ this section, the Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law.

"(b) The office of County Treasurer in the counties of Tarrant and Bee is abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Auditor or to the officer who succeeds to the auditor's functions. The

"~~[(b)(1)--The]~~ office of County Treasurer in the counties of Bexar and Collin are abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Clerk. However,

"~~[(e)--Provided-however;--that]~~ the office of County Treasurer shall be abolished in the ~~[above]~~ counties covered by this

1 subsection only after a local election has been held in each county
2 and the proposition 'to abolish the elective office of county
3 treasurer' has passed by a majority of those persons voting in said
4 election.

5 "(c) The office of County Treasurer in Andrews County is
6 abolished and all the powers, duties, and functions of that office
7 are transferred to the County Auditor of that county or to the
8 officer who succeeds to the auditor's functions.

9 "(d) The office of County Treasurer in El Paso County is
10 abolished. The Commissioners Court of the county may employ or
11 contract with a qualified person or may designate another county
12 officer to perform any of the functions that would have been
13 performed by the County Treasurer if the office had not been
14 abolished. However, the office of County Treasurer in El Paso
15 County is abolished under this subsection only if, at the statewide
16 election at which this amendment is submitted to the voters, a
17 majority of the voters of El Paso County voting on the question at
18 that election favor the amendment.

19 "(e) The office of County Surveyor in the counties of Denton, Randall,
20 Collin, Dallas, El Paso, and Henderson is abolished
21 upon the approval of the abolition by a majority of the qualified voters of
22 the respective county voting on the question at an election that the Commissioner
23 Court of the county may call. If the election is called, the Commissioners
24 Court shall order the ballot at the election to be printed to provide for
25 voting for or against the proposition: 'Abolishing the office of county surveyor
26 Each qualified voter of the county is

1 entitled to vote in the election. If the office of County Surveyor
2 is abolished under this subsection, the maps, field notes, and
3 other records in the custody of the County Surveyor are transferred
4 to the County Clerk of the county. After abolition, the
5 Commissioners Court may employ or contract with a qualified person
6 to perform any of the functions that would have been performed by
7 the County Surveyor if the office had not been abolished.

8 "(f) The office of County Treasurer in Andrews County is
9 abolished under Subsection (c) of this section on the adoption of
10 the constitutional amendment that added that subsection and that
11 was proposed by Senate Joint Resolution 27 of the 69th Legislature,
12 Regular Session, 1985. The office of County Treasurer in El Paso
13 County is abolished under Subsection (d) of this section on January
14 1, 1986, if the conditions of that subsection are met. If that
15 office in El Paso County is not abolished, Subsection (d) of this
16 section expires January 1, 1986. This subsection expires January
17 2, 1986."

18 SECTION 2. This proposed amendment shall be submitted to the
19 voters at an election to be held on November 5, 1985. The ballot
20 shall be printed to provide for voting for or against the
21 proposition: "The constitutional amendment to provide for:

22 "(1) the abolition of the office of county treasurer in
23 Andrews County and El Paso County;

24 "(2) the abolition of the office of county surveyor in
25 Collin, Dallas, Denton, El Paso, Henderson and Randall.
26

SIDE BY SIDE
S.J.R. 27

SENATE VERSION

HOUSE VERSION

CONFERENCE

SECTION 1.

- (a) Clean up
- (b) Clean up
- (c) Abolishes County Treasurer in Andrews County
- (d) Abolishes the County Treasurer in El Paso County if at the statewide election the majority of the voters in El Paso County vote in favor of the amendment.
- (e) Abolishes County Surveyor in Denton and Randall County if a majority of the voters in the respective counties vote to do so at an election called by the Commissioners Court.
- (f) Provides for the abolition of the Andrews Co. Treasurer and El Paso Co. Treasurer on Jan. 1, 1986 if the requirements for abolition are met.

SECTION 2.

- (e) Abolishes the Constable in Randall County (requires the Commissioners Court to call an election)

SECTION 3.

Provides for ballots for November 5, 1985 election.

SECTION 1.

- (a) Clean up
- (b) Clean up
- (c) Same
- (d) Adds the Hood, Nueces, and Williamson County Treasurers to this section (still requires a majority of voters in the respective counties to favor the amendment.)
- (e) Adds the Collin, Dallas, El Paso Henderson, Hood, Nueces, and Williamson County Surveyors. (Still requires Commissioners Court to call an election.)
- (f) Conforming amendment.

SECTION 2.

Same as Senate Section 3 except the portion of the ballot making reference to constables is deleted.

SECTION 3.

No corresponding section.

SECTION 1.

- (a) Same as Senate
- (b) Same as Senate
- (c) Same as Senate
- (d) Same as Senate

(e) Abolishes the county surveyor Collin, Dallas, Denton, El Paso, Henderson and Randall Counties if a majority of the voters vote to do so at an election called by the commissioners court.

- (f) Same as Senate

SECTION 2:

Same as Senate Section 3.

SECTION 3:

No corresponding section.

CONFERENCE COMMITTEE REPORT FORM

1035 MAY 27 Austin, Texas
5/26/85
Date

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.J.R. 27 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Wm. Hobby
Oranger
Shirley
Shirley
Truman

On the part of the Senate

Jim A. Ruff
Tom Keller
Burgess
Tom Sherry
Sam Johnson

On the part of the House

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three copies to the other house

CONFERENCE COMMITTEE REPORT

3rd Printing

S.J.R. No. 27

SENATE JOINT RESOLUTION

proposing a constitutional amendment to abolish the office of county treasurer in Andrews County.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article XVI, Section 44, of the Texas Constitution is amended to read as follows:

"Section 44. (a) Except as otherwise provided by ~~[Subsection--(b)--and--Subsection--(b)(1)--of]~~ this section, the Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law.

"(b) The office of County Treasurer in the counties of Tarrant and Bee is abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Auditor or to the officer who succeeds to the auditor's functions. The

"~~[(b)(1)--The]~~ office of County Treasurer in the counties of Bexar and Collin are abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Clerk. However,

"~~[(c)--Provided-however;-that]~~ the office of County Treasurer shall be abolished in the ~~[above]~~ counties covered by this

1 subsection only after a local election has been held in each county
2 and the proposition 'to abolish the elective office of county
3 treasurer' has passed by a majority of those persons voting in said
4 election.

5 "(c) The office of County Treasurer in Andrews County is
6 abolished and all the powers, duties, and functions of that office
7 are transferred to the County Auditor of that county or to the
8 officer who succeeds to the auditor's functions.

9 "(d) The office of County Treasurer in El Paso County is
10 abolished. The Commissioners Court of the county may employ or
11 contract with a qualified person or may designate another county
12 officer to perform any of the functions that would have been
13 performed by the County Treasurer if the office had not been
14 abolished. However, the office of County Treasurer in El Paso
15 County is abolished under this subsection only if, at the statewide
16 election at which this amendment is submitted to the voters, a
17 majority of the voters of El Paso County voting on the question at
18 that election favor the amendment.

19 "(e) The office of County Surveyor in the counties of Denton, Randall,
20 Collin, Dallas, El Paso, and Henderson is abolished
21 upon the approval of the abolition by a majority of the qualified voters of
22 the respective county voting on the question at an election that the Commissioner
23 Court of the county may call. If the election is called, the Commissioners
24 Court shall order the ballot at the election to be printed to provide for
25 voting for or against the proposition: 'Abolishing the office of county surveyor
26 Each qualified voter of the county is

1 entitled to vote in the election. If the office of County Surveyor
2 is abolished under this subsection, the maps, field notes, and
3 other records in the custody of the County Surveyor are transferred
4 to the County Clerk of the county. After abolition, the
5 Commissioners Court may employ or contract with a qualified person
6 to perform any of the functions that would have been performed by
7 the County Surveyor if the office had not been abolished.

8 "(f) The office of County Treasurer in Andrews County is
9 abolished under Subsection (c) of this section on the adoption of
10 the constitutional amendment that added that subsection and that
11 was proposed by Senate Joint Resolution 17 of the 69th Legislature,
12 Regular Session, 1985. The office of County Treasurer in El Paso
13 County is abolished under Subsection (d) of this section on January
14 1, 1986, if the conditions of that subsection are met. If that
15 office in El Paso County is not abolished, Subsection (d) of this
16 section expires January 1, 1986. This subsection expires January
17 2, 1986."

18 SECTION 2. This proposed amendment shall be submitted to the
19 voters at an election to be held on November 5, 1985. The ballot
20 shall be printed to provide for voting for or against the
21 proposition: "The constitutional amendment to provide for:

22 "(1) the abolition of the office of county treasurer in
23 Andrews County and El Paso County;

24 "(2) the abolition of the office of county surveyor in
25 Collin, Dallas, Denton, El Paso, Henderson and Randall.
26

SIDE BY SIDE
S.J.R. 27

SENATE VERSION

HOUSE VERSION

CONFERENCE

SECTION 1.

- (a) Clean up
- (b) Clean up
- (c) Abolishes County Treasurer in Andrews County
- (d) Abolishes the County Treasurer in El Paso County if at the statewide election the majority of the voters in El Paso County vote in favor of the amendment.
- (e) Abolishes County Surveyor in Denton and Randall County if a majority of the voters in the respective counties vote to do so at an election called by the Commissioners Court.
- (f) Provides for the abolition of the Andrews Co. Treasurer and El Paso Co. Treasurer on Jan. 1, 1986 if the requirements for abolition are met.

SECTION 2.

- (e) Abolishes the Constable in Randall County (requires the Commissioners Court to call an election)

SECTION 3.

Provides for ballots for November 5, 1985 election.

SECTION 1.

- (a) Clean up
- (b) Clean up
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- (d) Adds the Hood, Nueces, and Williamson County Treasurers to this section (still requires a majority of voters in the respective counties to favor the amendment.)
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SECTION 2.

Same as Senate Section 3 except the portion of the ballot making reference to constables is deleted.

SECTION 3.

No corresponding section.

SECTION 1.

- (a) Same as Senate
- (b) Same as Senate
- (c) Same as Senate
- (d) Same as Senate

(e) Abolishes the county surveyor Collin, Dallas, Denton, El Paso, Henderson and Randall Counties if a majority of the voters vote to do so at an election called by the commissioners court.

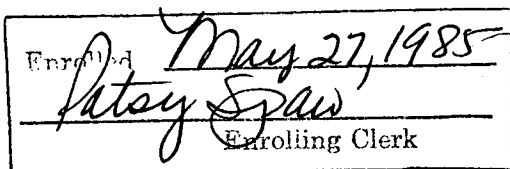
- (f) Same as Senate

SECTION 2:

Same as Senate Section 3.

SECTION 3:

No corresponding section.



S.J.R. No. 27

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment to abolish certain county
3 offices in certain counties.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article XVI, Section 44, of the Texas
6 Constitution is amended to read as follows:

7 "Section 44. (a) Except as otherwise provided by
8 [~~Subsection--(b)--and--Subsection--(b)(1)--of~~] this section, the
9 Legislature shall prescribe the duties and provide for the election
10 by the qualified voters of each county in this State, of a County
11 Treasurer and a County Surveyor, who shall have an office at the
12 county seat, and hold their office for four years, and until their
13 successors are qualified; and shall have such compensation as may
14 be provided by law.

15 "(b) The office of County Treasurer in the counties of
16 Tarrant and Bee is abolished and all the powers, duties, and
17 functions of the office in each of these counties are transferred
18 to the County Auditor or to the officer who succeeds to the
19 auditor's functions. The

20 "[~~(b)(1)--The~~] office of County Treasurer in the counties of
21 Bexar and Collin are abolished and all the powers, duties, and
22 functions of the office in each of these counties are transferred
23 to the County Clerk. However,

24 "[~~(e)--Provided-however,--that~~] the office of County Treasurer
25 shall be abolished in the [~~above~~] counties covered by this

1 subsection only after a local election has been held in each county
2 and the proposition 'to abolish the elective office of county
3 treasurer' has passed by a majority of those persons voting in said
4 election.

5 "(c) The office of County Treasurer in Andrews County is
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7 are transferred to the County Auditor of that county or to the
8 officer who succeeds to the auditor's functions.

9 "(d) The office of County Treasurer in El Paso County is
10 abolished. The Commissioners Court of the county may employ or
11 contract with a qualified person or may designate another county
12 officer to perform any of the functions that would have been
13 performed by the County Treasurer if the office had not been
14 abolished. However, the office of County Treasurer in El Paso
15 County is abolished under this subsection only if, at the statewide
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18 that election favor the amendment.

19 "(e) The office of County Surveyor in the counties of
20 Denton, Randall, Collin, Dallas, El Paso, and Henderson is
21 abolished upon the approval of the abolition by a majority of the
22 qualified voters of the respective county voting on the question at
23 an election that the Commissioners Court of the county may call.
24 If the election is called, the Commissioners Court shall order the
25 ballot at the election to be printed to provide for voting for or
26 against the proposition: 'Abolishing the office of county

11D-22

S.J.R. No. 27

1 surveyor. Each qualified voter of the county is entitled to vote
2 in the election. If the office of County Surveyor is abolished
3 under this subsection, the maps, field notes, and other records in
4 the custody of the County Surveyor are transferred to the County
5 Clerk of the county. After abolition, the Commissioners Court may
6 employ or contract with a qualified person to perform any of the
7 functions that would have been performed by the County Surveyor if
8 the office had not been abolished.

9 "(f) The office of County Treasurer in Andrews County is
10 abolished under Subsection (c) of this section on the adoption of
11 the constitutional amendment that added that subsection and that
12 was proposed by Senate Joint Resolution 27 of the 69th Legislature,
13 Regular Session, 1985. The office of County Treasurer in El Paso
14 County is abolished under Subsection (d) of this section on January
15 1, 1986, if the conditions of that subsection are met. If that
16 office in El Paso County is not abolished, Subsection (d) of this
17 section expires January 1, 1986. This subsection expires January
18 2, 1986."

19 SECTION 2. This proposed amendment shall be submitted to the
20 voters at an election to be held on November 5, 1985. The ballot
21 shall be printed to provide for voting for or against the
22 proposition: "The constitutional amendment to provide for:

23 "(1) the abolition of the office of county treasurer in
24 Andrews County and El Paso County;

25 "(2) the abolition of the office of county surveyor in
26 Collin, Dallas, Denton, El Paso, Henderson, and Randall Counties."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 10, 1985

Honorable Gary Thompson, Chair
Committee on County Affairs
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution No. 27,
as engrossed
By: Montford

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 27, as engrossed (proposing a constitutional amendment to abolish the office of county treasurer in Andrews County) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds.

The cost of publication of the resolution to the State is \$48,100.

Because the resolution would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal impact on units of local government.


Jim Oliver
Director

Source: Secretary of State; Comptroller of Public Accounts;
LBB Staff: JO, JH, AL, BL

4

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 20, 1985

Honorable John A. Traeger, Chairman
Committee on Intergovernmental Relations
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 27
By: Montford

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 27 (proposing a constitutional amendment to abolish the office of county treasurer in Andrews County) this office has determined the following:

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Jim Oliver
Director

Source: Secretary of State; Comptroller of Public Accounts;
LBB Staff: JO, JH, AL, DS

1000
1256

S.J.R. No. 27

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 27 was adopted by the Senate on May 6, 1985, by the following vote: Yeas 30, Nays 0; May 24, 1985, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 1985, House granted request of the Senate; May 27, 1985, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 27 was adopted by the House, with amendments, on May 22, 1985, by the following vote: Yeas 100, Nays 40, six present not voting; May 27, 1985, House granted request of the Senate for appointment of Conference Committee; May 27, 1985, House adopted Conference Committee Report by the following vote: Yeas 139, Nays 5, one present not voting.

Chief Clerk of the House

X;CT3a;

S.J.R.
~~S.B.~~ No. 27 (1)

President of the Senate

I hereby certify that ^{S.J.R.}~~S.B.~~ No. 27 (1) ^{was adopted by}~~passed~~ the Senate on May 6 (2), 1985, by the following vote:
Yeas 30 (3), Nays 0 (4); May 24 (5), 1985, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27 (6), 1985, House granted request of the Senate; May 27 (7), 1985, Senate adopted Conference Committee Report by the following vote:
Yeas 31 (8), Nays 0 (9).

X;CT3b;

Secretary of the Senate

I hereby certify that ^{S.J.R.}~~S.B.~~ No. 27 (1) ^{was adopted by}~~passed~~ the House, with amendments, on May 22 (2), 1985, by the following vote: Yeas 100 (3), Nays 40 (4); ^{1 six present not voting}May 27 (5), 1985, House granted request of the Senate for appointment of Conference Committee; May 27 (6), 1985, House adopted Conference Committee Report by the following vote: Yeas 139 (7), Nays 51 (8). ^{1 one present not voting}

Chief Clerk of the House

Approved: _____

Date

Governor

S. J. R. No. 27

By Montford

proposing a constitutional amendment to abolish the office of county treasurer in Andrews County.

3/5/85

Filed with the Secretary of the Senate

MAR 6 1985

Read, referred to Committee on INTERGOVERNMENTAL RELATIONS

APR 10 1985

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

MAY 6 1985

Senate and Constitutional Rules to permit consideration suspended by

unanimous consent

____ years, ____ days.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of ____ years, ____ days.

MAY 6 1985

Read second time amended and ordered engrossed.

~~passed to third reading.~~

Caption ordered amended to conform to body of bill.

MAY 6 1985

Senate and Constitutional 3-Day Rules suspended by vote of

29 years, 1 days to place bill on third reading and final passage.

MAY 6 1985

Read third time and passed by a viva-voce vote.

29 years, ____ days.

OTHER ACTION:

Betty King

Secretary of the Senate

Lacey Spaw

ENGROSSING CLERK

May 6, 1985

Engrossed

May 6, 1985

Sent to HOUSE

MAY 6 1985

Received from the Senate

MAY 8 1985

Read first time and referred to Committee on County Affairs

5-15-85

Reported favorably sub amended; sent to Printer

4:20 PM

MAY 16 1985

MAY 17 1985

Printed and Distributed

5:39 PM

MAY 17 1985

Sent to Committee on Calendars

6:07 PM

MAY 22 1985

Read second time as sub amended and finally adopted

~~failed adoption~~ by Record Vote of

100 years 40 days 6 present not voting

Read third time (amended) and finally adopted

failed adoption by a Record Vote of

____ years ____ days ____ present not voting

MAY 22 1985

Caption ordered amended to conform to body of resolution

MAY 23 1985

Returned to Senate.

Betty Murray

Chief Clerk of the House

MAY 23 1985

RETURNED FROM HOUSE

with amendments

MAY 24 1985

The Senate refused to concur in
House amendments and requested
the appointment of a Conference
Committee to adjust the differ-
ences between the two Houses.

Montford
Traeger
Sims
Truman
Sharp

MAY 27 1985

~~House~~ granted reg.

Rudd
Keller
Jones
Alvord
Thompson

MAY 27 1985

filed

MAY 27 1985

Conference Committee Report adopted
on the part of the ~~House~~ Senate

MAY 27 1985

Conference Committee Report adopted
on the part of the House ~~Senate~~